

NOV Recorded

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office
10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1017
(314)822-0101
FAX (314)822-0943

September 14, 1993

RECEIVED
SEP 17 1993

CERTIFIED MAIL P #028 750 239
RETURN RECEIPT REQUESTED

Mr. Randall F. Freese
Edward Simon Painting Company
7220 Murdoch Avenue
Shrewsbury, MO 63119-6369

Dear Mr. Freese:

L.O.W. #93-SL.041

Enclosed is a report of a hazardous waste management inspection of Edward Simon Painting Company conducted by Ms. Doris E. Mann and Mr. Michael Struckhoff of my staff on August 4, 1993. The section of the report titled "UNSATISFACTORY FEATURES" lists violations noted during the inspection, and outlines steps the inspectors have determined will correct those violations.

The St. Louis Regional Office has received your August 17, 1993, response to Notice of Violation (NOV) #3238. This NOV was issued as a result of violations noted during the inspection. A review of the company's response indicates that some corrective actions have been taken; however, there are still violations that require an additional response. These violations are listed in the "UNSATISFACTORY FEATURES" section of the report as numbers 1, 2, 4, 5, and 7.

In order to document that corrective actions have been taken, you are requested to submit a written response no later than October 15, 1993. The response should describe the steps taken to correct each of the unsatisfactory features identified. Please direct the response to my attention. You should also forward a copy of your response and supporting documentation to Mr. Bruce Martin, Chief, Hazardous Waste Enforcement, Waste Management Program, P.O. Box 176, Jefferson City, Missouri 65102.

It is our purpose by this letter to persuade you to take all necessary actions to comply with the Missouri Hazardous Waste Management Law. Failure to achieve timely resolution of violations may result in the referral of this case for enforcement action by the Waste Management Program.



R00318651
RCRA RECORDS CENTER



RECYCLED PAPER

RCRA FILE COPY	
MO 985 799 584	
DOCUMENT #	2

St. Louis County (HW)
Edward Simon Painting
September 14, 1993
Page 2

Should you have any questions or wish to confer in this matter, please contact me.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Robert S. P. Eck
Regional Director

DEM
RSPE/DEM/lv

Enclosure

c: HWP

**RESOURCE CONSERVATION AND RECOVERY ACT
AND
MISSOURI HAZARDOUS WASTE MANAGEMENT LAW
COMPLIANCE EVALUATION INSPECTION REPORT**

FACILITY

Edward Simon Painting Company
7220 Murdoch Avenue
Shrewsbury, MO 63119-6369
(314) 647-4031

EPA ID #: MOD985799584
MO Generator ID #: 014923

PARTICIPANTS

Department of Natural Resources

Ms. Doris E. Mann &
Mr. Michael Struckhoff
Environmental Specialists
St. Louis Regional Office

Edward Simon Painting Company

Ms. Ruth Harte
Office Manager

Mr. Leo H. Runge
Vice-President & Superintendent

Mr. Rick Hargis
Estimator

INTRODUCTION

An inspection of Edward Simon Painting Company (Edward Simon) located at the above address was conducted on August 4, 1993. The inspection was conducted under the authority of the Resource Conservation and Recovery Act (RCRA) of 1976 and Sections 260.375(9) and 260.377 of the Missouri Waste Management Law (1977) as amended. The inspection was confined to facets of the operation relevant to hazardous waste management.

The inspectors arrived at the facility at 9:30 a.m., presented credentials and asked to speak to the environmental compliance officer. The receptionist stated that Ms. Ruth Harte was the office manager and would not be in the office until 11:00 a.m. The inspectors returned at 12:25 p.m. and Ms. Ruth Harte granted authority to conduct the inspection.

The inspection started with a meeting with Edward Simon's representative, Ms. Harte, in which records and documents pertinent to hazardous waste management were reviewed. At 1:20 p.m., Mr. Rick Hargis and Mr. Leo Runge arrived and were introduced. Mr. Hargis and Mr. Runge were asked to identify which material safety data sheets (MSDS) represented the products most commonly used in their painting operations. The MSDS selected are included in the report. Following this meeting, the inspectors started a facility tour with Mr. Runge. Later during the facility tour, a painter by the name of "Glenn" was introduced in the hazardous waste storage area adjacent to the building. During this tour, information was gathered by both inspectors from Mr. Runge

and Glenn, visual observations were noted and pictures were taken to document violations. The inspection ended with a closing meeting with Ms. Harte, later joined by Glenn, in which violations noted during the inspection were discussed. Notice of Violation (NOV) #3238 was issued to Ms. Harte during the closing meeting.

FACILITY DESCRIPTION

Edward Simon is a commercial contract painting company. The majority of the company's job contracts are to paint the interior of hospitals and offices. The business began in 1932 at the home of the owner, Edward Simon, and has been in operation at the current site since 1957. It employs thirty-five to forty painters plus administrative staff for a total of about fifty people. The facility consists of one building with an office area and a paint storage and mixing area. Attached at the north side of the building is a fenced area with a contiguous roof. A fence borders the area on the north and east sides. The area is used for painting and the storage of hazardous waste containers. Two trailers containing painting equipment were observed behind the building.

Raw materials consist of paints, thinners, wall coverings, pastes, varnishes, stains, and sealers. Paint and thinners that remain after a job is completed are stored for one year for possible touch up painting. After being stored for a year and a day, the containers of paint and thinner are mixed together and reused. If the materials cannot be used, the materials are considered a waste and are disposed of as hazardous waste. From the review of Edward Simon's manifests for the previous year, it was determined that the company consistently generated between 192 and 288 pounds of hazardous waste per month. Therefore, the company was evaluated as a small quantity generator.

Included with the report are copies of the following items:

- | | |
|-------------------|---|
| Attachment #1 | A small quantity generator checklist, completed during the inspection. |
| Attachments #2-#5 | Quarterly submitted Generator Hazardous Waste Summary Reports for the period September 30, 1992, through June 30, 1993, with manifests #014923-10 through #014923-22 and land disposal information. |
| Attachment #6 | Notification of Hazardous Waste Activity form dated July 22, 1991. |
| Attachment #7 | Seven Material Safety Data Sheets (MSDS) selected by the facility representatives to give a representative sample of commonly used products. |
| Attachment #8 | Photographs taken to document violations. |

The following is a description of Edward Simon's hazardous waste stream:

Waste Paint Related Material (F005). The waste stream consists mostly of waste paint, mineral spirit based paint, stains and varnishes, stoddard solvent, and Toluene. The waste is drummed, manifested, and then transported as hazardous waste by Safety-Kleen Corporation. Waste solvents are initially stored separately to allow solids to settle out. The solids become part of the waste stream and the solvent is reused. When the solvent can no longer be used, it is added to the waste stream. Rags used for cleanup are also added to the waste stream.

UNSATISFACTORY FEATURES

1. Failure to determine if waste is hazardous, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.11. In the fenced hazardous waste storage area, five 55-gallon drums were observed. Mr. Runge and Glenn said they believed that one of the drums contained floor sealer that was purchased several years ago. The full drum was unopened and had a faded product label identifying it as Armortop. Ms. Harte confirmed that the contents was a floor sealer purchased about ten years ago. All three representatives of Edward Simon were somewhat unsure of the contents of the drum and whether or not the product was usable. The representatives were also vague in the description of the facility's waste stream. The waste stream varies because the paints, thinners, stains, and sealers vary by job contract. The representatives were unsure of the effect of the change in constituents on the hazardous waste stream.

The contents of the 55-gallon drum must be determined. Edward Simon must supply a determination of the contents and documentation to support such a determination. Edward Simon must determine if the 55-gallon drum contains solid waste. If the material in the drum is determined not to be a solid waste, documentation must be provided to the Department to support the determination and the intended use of the material. If the material is determined to be a solid waste, Edward Simon must determine if the solid waste is a hazardous waste. If the material is a hazardous waste, Edward Simon must refer to 40 CFR, Parts 262 through 268; 49 CFR, Chapter 1; and Missouri Regulation 10 CSR 25, Chapter 5, and comply with the applicable regulations.

Edward Simon also must characterize and determine the appropriate EPA waste code(s) for the facility's waste stream. The facility currently identifies its waste stream as F005. The facility must consider the varying components of the waste stream and determine the appropriate EPA waste code. The facility must supply to the Department a determination of the waste stream in question and documentation to support such a determination.

2. Facility operates as a storage facility, in violation of Section 260.390 (1) RSMo. Hazardous waste storage exceeds 180 days, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(d). In the fenced hazardous waste storage area, five 55-gallon drums were observed. Glenn said that three of the drums contained waste paint solids that settled out from used

solvent, and that the solids were gradually being added to hazardous waste drums for disposal. Glenn also said that the three drums had contained waste paint solids since October 1992. No markings or labels were visible on the 55-gallon drums which were one-third to one-half full.

All hazardous wastes that have been stored for over 180 days must be immediately shipped off site. All containers in question that are determined to contain hazardous waste must be disposed of immediately. If the contents of the 55-gallon drum said to contain floor sealer is determined to be hazardous waste, the contents must be shipped off site immediately. The three 55-gallon drums said to contain waste paint solids that have been stored since October 1992 must be disposed of immediately, as they have been stored over 180 days. Documentation, such as copies of manifests, must be submitted to the Department to verify that all hazardous waste has been shipped off site to a hazardous waste treatment, storage or disposal facility.

3. Open containers of hazardous waste, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a). The three 55-gallon drums of waste paint solids observed in the fenced hazardous waste storage area were open. The lids were placed on top of the drums but were not bolted closed. Also in the hazardous waste storage area at the north fenced side, were three 20-gallon drums, six 5-gallon buckets, and four 1-gallon cans. The 20-gallon drums were marked as hazardous waste and one was open with a funnel in the bung hole.

Edward Simon must keep all hazardous waste containers closed except when adding or removing waste. Edward Simon must certify that all hazardous waste containers observed during the inspection have been closed.

4. Failure to mark containers of hazardous waste, in violation of 10 CSR 25-5.262(2)(C)1 referencing 40 CFR 262.32(b). The three 55-gallon drums containing waste paint solids in the fenced hazardous waste storage area were not marked as hazardous waste. Glenn stated that the waste paint solids were being added to the hazardous waste stream. Stacked at the north fenced side next to the 20-gallon drums were six 5-gallon buckets and four 1-gallon cans that were not marked as hazardous waste. Glenn and Mr. Runge said that the cans and buckets contained waste solvent. The waste solvent was to be added to the 20-gallon hazardous waste storage drums for disposal.

Containers of hazardous waste must be marked to identify their contents. Edward Simon must mark each container at the time it is used as a hazardous waste container. Edward Simon must certify that all containers containing hazardous waste will be identified as such during the entire time of storage.

5. Failure to mark date of accumulation on hazardous waste containers, in violation of 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2). The three 55-gallon drums containing waste paint solids in the fenced

hazardous waste storage area did not have a beginning date. The three 20-gallon drums, six 5-gallon buckets, and four 1-gallon cans of waste solvent were not marked with a beginning date of storage.

Containers of hazardous waste must be marked with the beginning date of storage. Edward Simon must mark a beginning date on each container at the time it is used to store hazardous waste. Edward Simon must certify that all containers that contain hazardous waste will be marked with a beginning date.


6. Inadequate spill control, decontamination, and safety equipment, in violation of 40 CFR 265.32(c). There was no evidence of spill control and decontamination equipment near the hazardous waste storage area.

Edward Simon must provide spill control equipment such as kitty litter, dry absorbent, or other spill control equipment near the storage area. Decontamination equipment, as noted on the Material Safety Data Sheets, must be accessible to the storage area. Edward Simon's response must document that adequate and appropriate spill control and decontamination equipment are located near the storage area.

7. Failure to label containers of hazardous waste, in violation of 10 CSR 25-5.262(2)(C)1 referencing 40 CFR 262.31. One of the three 20-gallon hazardous waste drums at the fence did not have a flammable label. The drum was full of waste paint related material (F005). The six 5-gallon buckets and four 1-gallon cans that Glenn said contained waste solvent also were not labeled.

Edward Simon's facility waste is described on the manifests as waste paint related material and therefore requires a Department of Transportation (DOT) flammable label. The MSDS for the solvent lists a flashpoint of 100° F minimum and also requires a flammable label. Edward Simon must certify that all hazardous waste containers will have the required label during the entire on-site storage period.

Prepared By:



Doris Mann
Environmental Specialist

DM:lv

Attachments